



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No. 3

Shillong, Thursday, March 24, 2011

3rd Chaitra, 1933 (S. E.)

## PART-VII

### GOVERNMENT OF MEGHALAYA

### ORDERS BY THE GOVERNOR

#### NOTIFICATIONS

The 10th February, 2011

**No.LL(B).40/09/77:**—The following Acts passed by the Parliament and assent by the President of India and published in the Gazette of India, Extra Ordinary Part II, Section I on the date indicated below is hereby republished for general information.

Sl. No.	Name of Act	Act No. & year	Date of Publication in the Gazette of India.
1.	The Representation of the People (Amendment) Act, 2009.	Act No. 41 of 2009	23rd December, 2009.
2.	The Workmen's Compensation (Amendment) Act, 2009.	Act No. 45 of 2009	23rd December, 2009.
3.	The National Rural Employment Guarantee (Amendment) Act, 2009.	Act No. 46 of 2009	31st December, 2009.
4.	The Payment of Gratuity (Amendment) Act, 2009.	Act No. 47 of 2009	31st December, 2009.
5.	The State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) (Amendment) Act, 2009.	Act No. 48 of 2009	31st December, 2009.

## THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2009

AN

ACT,

further to amend the Representation of the People Act, 1950 and the  
Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2009.

Short title and  
commence -  
ment .

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

### CHAPTER II

#### AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

43 of 1950.

2. In section 24 of the Representation of the People Act, 1950,—

Amendment of  
section 24.

(i) in clause (a), for the words “chief electoral officer”, the words “district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank” shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely:—

“(b) to the chief electoral officer, from any order of the district magistrate or the additional district magistrate under clause (a).”.

Amendment of  
the Second  
Schedule

3. In the Second Schedule to the Representation of the People Act, 1950, against serial number 18 relating to the State of Mizoram, in column 7, for the entry “38”, the entry “39” shall be substituted.

43 of 1950.

### CHAPTER III

#### AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of  
section 8A.

4. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1) of section 8A, for the words “as soon as may be after such order takes effect”, the words “as soon as may be within a period of three months from the date such order takes effect” shall be substituted.

43 of 1951.

Amendment of  
section 34.

5. In section 34 of the principal Act, in sub-section (1),—

(i) in clause (a), for the words “a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees”, the words “a sum of twenty-five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe,

a sum of twelve thousand five hundred rupees” shall be substituted;

(ii) in clause (b), for the words “a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand five hundred rupees”, the words “a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees” shall be substituted.

Amendment of  
section 123.

6. In section 123 of the principal Act, in clause (7),—

(i) for the words “from any person in the service of the Government”, the words “from any person whether or not in the service of the Government” shall be substituted;

(ii) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections:”.

Insertion of new  
sections 126A and  
126B.

7. After section 126 of the principal Act, the following sections shall be inserted, namely:—

Restriction on  
publication and  
dissemination  
of result of exit  
polls, etc.

‘126A. (1) No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purposes of sub-section (1), the Election Commission shall, by a general order, notify the date and time having due regard to the following, namely:—

(a) in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union territories;

(b) in case of a bye-election or a number of bye elections held together, the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll:

Provided that in case of a number of bye-elections held together on different days, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

(3) Any person who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

*Explanation.*— For the purposes of this section,—

(a) “exit poll” means an opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;

(b) "electronic media" includes internet, radio and television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) "print media" includes any newspaper, magazine or periodical, poster, placard, handbill or any other document;

(d) "dissemination" includes publication in any "print media" or broadcast or display on any electronic media.

126B. (1) Where an offence under sub-section (2) of section 126A has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by  
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purpose of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.'.

**E. M. DONN,**  
Deputy Secretary to the Govt. of Meghalaya,  
Law (B) Department.

**THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 2009****AN****ACT***Further to amend the Workmen's Compensation Act, 1923.*

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.

2. In the long title to the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), for the word "workmen", the word "employees" shall be substituted.

8 of 1923.

Amendment of preamble.

3. In the principal Act, in the preamble, for the word "workmen", the word "employees" shall be substituted.

Amendment of Section 1.

4. In section 1 of the principal Act, in sub-section (1), for the word "Workmen's", the word "Employee's" shall be substituted.

Substitution of references to certain expressions by certain other expressions.

5. Throughout the principal Act, for the words "workman" and "workmen", wherever they occur, the words "employee" and "employees" shall respectively be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

Amendment of Section 2.

6. In section 2 of the principal Act, in sub-section (1),—

(i) after clause (d), the following clause shall be inserted, namely:—

'(dd) "employee" means a person, who is—

(i) a railway servant as defined in clause (34) of section 2 of the Railways Act, 1989, not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II; or

24 of 1989.

(ii) (a) a master, seaman or other member of the crew of a ship,

(b) a captain or other member of the crew of an aircraft,

(c) a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle,

(d) a person recruited for work abroad by a company, and who is employed outside India in any such capacity as is

specified in Schedule II and the ship, aircraft or motor vehicle, or company, as the case may be, is registered in India; or

(iii) employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them;'

(ii) clause (n) shall be omitted.

Amendment of  
Section 4.

7. In section 4 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words "eighty thousand rupees", the words "one lakh and twenty thousand rupees" shall be substituted;

(ii) in clause (b), for the words "ninety thousand rupees", the words "one lakh and forty thousand rupees" shall be substituted; -

(iii) after clause (b), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount of compensation mentioned in clauses (a) and (b).";

(iv) after clause (b), Explanation II shall be omitted;

(b) after sub-section (1A), the following sub-section shall be inserted, namely:—

"(1B) The Central Government may, by notification in the Official Gazette, specify, for the purposes of sub-section (1), such monthly wages in relation to an employee as it may consider necessary.";

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) The employee shall be reimbursed the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment.";

(d) in sub-section (4),—

(A) for the words "two thousand and five hundred rupees", the words "not less than five thousand rupees" shall be substituted;

(B) the following proviso shall be inserted, namely:—

"Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount specified in this sub-section.".

- |   |  |
|---|--|
| <p>8. In section 20 of the principal Act, in sub-section (1), after the words “appoint any person”, the words “who is or has been a member of a State Judicial Service for a period of not less than five years or is or has been for not less than five years an advocate or a pleader or is or has been a Gazetted Officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations” shall be inserted.</p>   | <p>Amendment of Section 20.</p>  |
| <p>9. After section 25 of the principal Act, the following section shall be inserted, namely:—</p> <p>“25 A. The Commissioner shall dispose of the matter relating to compensation under this Act within a period of three months from the date of reference and intimate the decision in respect thereof within the said period to the employee.”.</p>   | <p>Insertion of new Section 25A.</p> <p>Time limit for disposal of cases relating to compensation.</p> |
| <p>10. In Schedule II to the principal Act,—</p> <p>(i) for the word, figures, brackets and letter “section 2(1)(n)”, wherever they occur, the word, figures, brackets and letters “section 2(1)(dd)” shall be substituted;</p> <p>(ii) in item (i), for the words “employed, otherwise than in a clerical capacity or on a railway”, the words “employed in railways” shall be substituted;</p> <p>(iii) in item (ii), the words “otherwise than in a clerical capacity” shall be omitted;</p> <p>(iv) in item (iii), the words “wherein or within the precincts whereof twenty or more persons are so employed” shall be omitted;</p> <p>(v) in item (v); the words “other than clerical work” shall be omitted;</p> <p>(vi) in item (vi),—</p> <p>(a) clause (b) shall be omitted;</p> <p>(b) in clause (c), the words, brackets and letter “or sub-clause (b)” shall be omitted;</p> <p>(vii) in item (x), the words “otherwise than in a clerical capacity” shall be omitted;</p> <p>(viii) in item (xiv), the words “otherwise than in a clerical capacity” shall be omitted;</p> <p>(ix) in item (xvi), the words “in which on any one day of the preceding twelve months more than twenty-five persons have been employed” shall be omitted;</p> <p>(x) for item (xviii), the following item shall be substituted, namely:—</p> | <p>Amendment of Schedule II.</p>   |

“(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or”;

(xi) in item (xix), the words “otherwise than in a clerical capacity” shall be omitted;

(xii) in item (xxvi),—

(a) in clause (a), the words “and in which on any one day of the preceding twelve months ten or more persons have been so employed” shall be omitted;

(b) in clause (b), the words “in which on any one day of the preceding twelve months fifty or more persons have been so employed” shall be omitted;

(xiii) in item (xxx), the words “otherwise than in a clerical capacity” shall be omitted;

(xiv) in items (xi) and (xli), the words “in which on any one day of the preceding twelve months more than twenty-five persons have been employed” shall be omitted;

(xv) the Explanation occurring after item (xlix) at the end shall be omitted.

**E. M. DONN,**  
Deputy Secretary to the Govt. of Meghalaya,  
Law (B) Department.



**THE NATIONAL RURAL EMPLOYMENT GUARANTEE (AMENDMENT)  
ACT 2009**

**AN**

**ACT**

*to amend the National Rural Employment Guarantee Act, 2005.*

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Rural Employment Guarantee (Amendment) Act, 2009. Short title and commencement.

(2) It shall be deemed to have come into force on the 2nd day of October, 2009.

Amendment of  
Section 1.

2. In the National Rural Employment Guarantee Act, 2005, in sub-section (1) of section 1, for the words “the National Rural Employment Guarantee Act”, the words “the Mahatma Gandhi National Rural Employment Guarantee Act” shall be substituted. 42 of 2005.

The above Bill has been passed by the Houses of Parliament.

*Dated the*

*Chairman.*

I assent to this Bill.

*Dated the*

*President.*

**E. M. DONN,**  
Deputy Secretary to the Govt. of Meghalaya,  
Law (B) Department.

**THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 2009****AN****ACT**

*further to amend the Payment of Gratuity Act, 1972.*

*Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—*

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of April, 1997.

39 of 1972.

2. In the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in section 2, for clause (e), the following clause shall be substituted, namely:—

Amendment of Section 2.

‘(e) “employee” means any person (other than an apprentice) who is employed for wages, whether the terms of such employment are express or implied, in any kind of work, manual or otherwise, in or in connection with the work of a factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity”.

Insertion of new Section 13A.

3. After section 13 of the principal Act, the following section shall be inserted, namely:—

Validation of payment of gratuity.

“13 A. Notwithstanding anything contained in any judgement, decree or order of any court, for the period commencing on and from the 3rd day of April, 1997 and ending on the day on which the Payment of Gratuity (Amendment) Act, 2009, receives the assent of the President, the gratuity shall be payable to an employee in pursuance of the notification of the Government of India in the Ministry of Labour and Employment *vide* number S.O.1080, dated the 3rd day of April, 1997 and the said notification shall be valid and shall be deemed always to have been valid as if the Payment of Gratuity (Amendment) Act, 2009 had been in force at all material times and the gratuity shall be payable accordingly:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the non-payment by him of the gratuity during the period specified in this section which shall become due in pursuance of the said notification.”.

The above Bill has been passed by the Houses of Parliament.

*Dated the*

*Chairman.*

I assent to this Bill.

*Dated the*

*President.*

**E. M. DONN,**

Deputy Secretary to the Govt. of Meghalaya,  
Law (B) Department.

**THE STATE BANK OF SAURASHTRA (REPEAL) AND  
THE STATE BANK OF INDIA (SUBSIDIARY BANKS) AMENDMENT**

**ACT, 2009**

**AN**

**ACT**

*to repeal the State Bank of Saurashtra Act, 1950 and further to amend  
the State Bank of India (Subsidiary Banks) Act, 1959.*

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows;—

**CHAPTER I**

**Preliminary**

1. (1) This Act may be called the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**CHAPTER II**

**Repeal of the State Bank of Saurashtra Act, 1950**

2. (1) The State Bank of Saurashtra Act, 1950 is hereby repealed. Repeal and savings.
- (2) Notwithstanding such repeal, anything done or any action taken including any agreement entered into, under the provisions of the State Bank of Saurashtra Act, 1950, by the State Bank of Saurashtra shall continue to be in force and have effect as if this Act has not been enacted.
- (3) The mention of particulars in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.

10 of 1897.

**CHAPTER III**

**Amendments to the State Bank of India (Subsidiary Banks) Act, 1959**

- Amendment of Section 2. 3. In section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (hereafter in this Chapter referred to as the Subsidiary Banks Act),— 38 of 1959.
  - (i) in clause (a), sub-clause (iv) shall be omitted;
  - (ii) clause (i) shall be omitted;
  - (iii) in clause (k), the words “and the Saurashtra Bank” shall be omitted.
- Amendment of Section 14. 4. In the Subsidiary Banks Act, in section 14,—
  - (i) in the marginal heading, the words “, the Saurashtra Bank” shall be omitted;

(ii) in sub-section (1), the words “, the State Government of Gujarat in respect of the Saurashtra Bank” shall be omitted;

(iii) in sub-section (2) and in the proviso, the words “, the State Government of Gujarat,” and “or the State Government of Gujarat” shall, respectively, be omitted;

(iv) in sub-section (3), the words “, the State Government of Gujarat” shall be omitted;

(v) in sub-section (4), the words “, the State Government of Gujarat” shall be omitted.

Amendment of  
Section 23.

5. In the Subsidiary Banks Act, in section 23,—

(i) for the words “, the Hyderabad Bank and the Saurashtra Bank”, the words “and the Hyderabad Bank” shall be substituted;

(ii) for the words “, the Hyderabad Bank or the Saurashtra Bank”, the words “or the Hyderabad Bank” shall be substituted.

Amendment of  
Section 42.

6. In the Subsidiary Banks Act, in section 42, for the words “, the Hyderabad Bank or the Saurashtra Bank”, the words “or the Hyderabad Bank” shall be substituted.

Amendment of  
Section 46.

7. In the Subsidiary Banks Act, in section 46,—

(i) in the marginal heading, the words “and the Saurashtra Bank” shall be omitted;

(ii) in sub-section (1), the words “or the Saurashtra Bank,” shall be omitted;

(iii) the Explanation shall be omitted.

Amendment of  
Section 47.

8. In the Subsidiary Banks Act, in section 47, in sub-section (1), for the words “, the Hyderabad Bank or the Saurashtra Bank”, the words “or the Hyderabad Bank” shall be substituted.

Amendment of  
Section 49.

9. In the Subsidiary Banks Act, in section 49,—

(i) in sub-section (1), the words “or the Saurashtra Bank” shall be omitted;

(ii) in sub-section (2), the words “or of the Saurashtra Bank” shall be omitted;

(iii) in sub-section (3), the words “or the Saurashtra Bank” shall be omitted.

Amendment of  
Section 56.

10. In the Subsidiary Banks Act, in section 56,—

(i) in the marginal heading, the words “and the State Bank of Saurashtra” shall be omitted;

(ii) the words “and the Saurashtra Bank” shall be omitted;

(iii) the words “or the Saurashtra Bank, as the case may be,” ,  
at both the places where they occur, shall be omitted.

11. In the First Schedule to the Subsidiary Banks Act, in paragraph 1, in sub-paragraph A, for the words “, the Bank of Patiala or the Saurashtra Bank,” the words “or the Bank of Patiala” shall be substituted. Amendment of First Schedule.

The above Bill has been passed by the Houses of Parliament.

*Dated the*

*Chairman.*

I assent to this Bill.

*Dated the*

*President,*

**E. M. DONN,**  
Deputy Secretary to the Govt. of Meghalaya,  
Law (B) Department.